



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 23, 1993

Mr. Randel B. Gibbs  
Law Offices of Earl Luna, P.C.  
4411 Central Building  
4411 North Central Expressway  
Dallas, Texas 75205

OR93-211

Dear Mr. Gibbs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 18815.

The Lancaster Independent School District (the "school district"), which you represent, has received a request from an attorney representing the parents of an injured child. The requestor seeks the name and address of the parents of the child who allegedly caused the child's injury. His letter does not identify the child; thus, the child's identity is also at issue. You ask whether this information is excepted from required public disclosure by sections 3(a)(1) and 3(a)(14) of the Open Records Act.

Section 14(e) of the Open Records Act incorporates the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, into the Open Records Act, and makes them prevail over inconsistent provisions of the Act. Open Records Decision No. 431 (1985). FERPA provides the following:

No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of educational records (or personally identifiable information contained therein . . . ) of students without the written consent of their parents to any individual, agency, or organization . . . .

20 U.S.C. § 1232g(b)(1). "Education records" are records which:

- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

*Id.* § 1232g(a)(4)(A).

FERPA requires you to withhold information that identifies students or parents. Open Records Decision Nos. 332 (1982); 206 (1978). Although FERPA provides that "directory information" relating to a student, including the student's name and address, may be made public without the parents' consent, 20 U.S.C. § 1232g(a)(5)(A); *see also id.* 1232g(a)(5)(B), the name and address of the parents of the child who allegedly caused the injury must be withheld from required public disclosure under section 14(e) of the Open Records Act in conjunction with FERPA. "Directory information" does not include a record identifying a student who injured another student. *See* Open Records Decision No. 477 (1987) at 4.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR93-211.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/GCK/le

Ref.: ID# 18815

cc: Mr. Robert G. Davis  
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